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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/661,677 | 09/14/2000 | Anders Khullar | 47253-00012 | 9545 |

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EXAMINER

RAMPURIA, SHARAD K

ART UNIT

PAPER NUMBER

2683

DATE MAILED: 04/10/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/661,677

Applicant(s)

KHULLAR ET AL.

Examiner

Sharad Rampuria

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4</u> . | 6) <input type="checkbox"/> Other: |

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DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-8, 14-17, & 19-20 are rejected under 35 U.S.C. 102 (e) as being anticipated by Birchler et al.

1. Regarding claim 1, Birchler disclosed A method for estimating residual noise in a frequency range of a desired part of a signal, wherein an amplitude of the signal comprising the noise is modified, and the signal is combined with the modified signal to create a noise estimation measure. (Col.4; 46-60)

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2. A method according to claim 1, wherein the noise estimation measure is based on an average power content of the signal and the modified signal over their frequency spectra. (Col.5; 53 – col.6; 11)

3. A method according to claim 2, wherein the noise estimation measure is based on the average power content of the signal and the modified signal over one or more common ranges of their frequency spectra. (Col.5; 53 – col.6; 11)

4. A method according to any one of claims 1 to 3, wherein the signal is attenuated primarily outside a frequency range of the desired part of the signal. (Col.5; 53 – col.6; 11)

5. A method according to claim 2 or 3, wherein the noise estimation measure is based on a difference in average power content between the signal and the modified signal. (Col.5; 53 – col.6; 11)

7. A method according to claim 4, wherein the signal is attenuated primarily outside the frequency range of the desired part of the signal via a digital filter. (Col.4; 11-26)

8. A method according to any one of claims 1 to 3, wherein the noise estimation measure is quantized in a number of different levels each indicating different levels of noise present. (Col.7; 39-60)

14. An apparatus for estimating residual noise in a frequency range of a desired part of a signal, comprising means for modifying an amplitude of the signal comprising the noise, means for combining the signal with the modified signal to create a noise estimation measure, and means for transferring the measure to a processing unit.

(Col.4; 11-60)

15. An apparatus according to claim 14, wherein the means modified for combining the signal with the signal to create a noise estimation measure comprise a power meter for measuring average power content of the signal and the modified signal over at least one of a plurality of common ranges of their frequency spectra. (Col.5; 53 – col.6; 11)

16. An apparatus according to claim 14 or 15, wherein the means for modifying the amplitude of the signal comprising the noise include means for attenuating the signal primarily outside the frequency range of the desired part of the signal. (Col.5; 53 – col.6; 11)

17. An apparatus according to claim 15, wherein the means for combining the signal with the modified signal to create a noise estimation measure comprise means for computing a difference in average power content between the signal and the modified signal. (Col.5; 53 – col.6; 11)

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19. An apparatus according to claim 18, wherein the means for attenuating the signal primarily outside the frequency range of the desired part of the signal comprise a digital filter. (Col.4; 11-26)

20. An apparatus according to claim 14 or 15, wherein the apparatus further comprises means for storing consecutive values of the noise estimation measure, means for processing the values to extract a trend, and means for communicating at least one of the individual values, the extracted trend thereof, and postprocessed versions thereof to a quality control system. (Col.7; 39-60)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 9-13, 18, & 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Birchler et al. in view of Borrás et al.

6. Regarding Claim 6, Birchler disclosed all the particulars of the claim except the signal is a digital signal. However, Borrás teaches in an analogous art, that A method

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according to any one of claims 1 to 3, wherein the signal is a digital signal. (Col.3; 14-27) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the signal is a digital signal in order to provide a signal usability without the availability of a synchronization pattern.

9. Regarding Claim 9, Birchler disclosed all the particulars of the claim except communicated to a link quality control system of said digital cellular radio system as an estimator of current link quality. However, Borrás teaches in an analogous art, that A method according to any one of claims 1 to 3, wherein the desired part of the signal represents a selected channel of a digital cellular radio system, and the noise estimation measure or a post processed version thereof is communicated to a link quality control system of said digital cellular radio system as an estimator of current link quality. (Col.6; 48-65) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include communicated to a link quality control system of said digital cellular radio system as an estimator of current link quality in order to provide parameter in identifying an acceptable communication resource is signal usability.

10. Regarding Claim 10, Birchler disclosed all the particulars of the claim except communicated to a link quality control system of said digital cellular radio system as an estimator of current link quality. However, Borrás teaches in an analogous art, that A method according to claim 9, wherein a noise estimation measurement is performed during each of the basic time units of a channel of the digital cellular radio system, and

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the result is communicated to a link quality control system of the digital cellular radio system as an estimator of current link quality. (Col.6; 48-65) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include communicated to a link quality control system of said digital cellular radio system as an estimator of current link quality in order to provide parameter in identifying an acceptable communication resource is signal usability.

11. Regarding Claim 11, Birchler disclosed all the particulars of the claim except communicated to a link quality control system of said digital cellular radio system as an estimator of current link quality. However, Borrás teaches in an analogous art, that A method according to claim 9, wherein several noise estimation measurements are performed, the results are stored, and the results are evaluated, and a derived trend is communicated to a link quality control system of a digital cellular radio system as an estimator of current link quality. (Col.6; 48-65) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include communicated to a link quality control system of said digital cellular radio system as an estimator of current link quality in order to provide parameter in identifying an acceptable communication resource is signal usability.

12. Regarding Claim 12, Birchler disclosed all the particulars of the claim except the noise estimation measure transferred to the link quality control system is used by the digital cellular radio system to optimize user information channel throughput by

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adjusting at least one of the data transmission rate, the error correction depth, and a type of modulation. However, Borrás teaches in an analogous art, that A method according to claim 9, wherein the noise estimation measure transferred to the link quality control system is used by the digital cellular radio system to optimize user information channel throughput by adjusting at least one of the data transmission rate, the error correction depth, and a type of modulation. (Col.7; 1-14) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the noise estimation measure transferred to the link quality control system is used by the digital cellular radio system to optimize user information channel throughput by adjusting at least one of the data transmission rate, the error correction depth, and a type of modulation in order to provide the reusable communication resources.

13. Regarding Claim 13, Birchler disclosed all the particulars of the claim except the noise estimation measure is transferred to a digital demodulator and used to adjust a receiver algorithm. However, Borrás teaches in an analogous art, that A method according to claim 9, wherein the noise estimation measure is transferred to a digital demodulator and used to adjust a receiver algorithm. (Col.7; 1-14) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the noise estimation measure is transferred to a digital demodulator and used to adjust a receiver algorithm in order to minimizing the number of communication resources.

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18. Regarding Claim 18, Birchler disclosed all the particulars of the claim except the signal is a digital signal. However, Borrás teaches in an analogous art, that An apparatus according to claim 14 or 15, wherein the apparatus is adapted to handle digital signals. (Col.3; 14-27) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the signal is a digital signal in order to provide a signal usability without the availability of a synchronization pattern.

21. Regarding Claim 21, Birchler disclosed all the particulars of the claim except communicated to a link quality control system of said digital cellular radio system as an estimator of current link quality. However, Borrás teaches in an analogous art, that A mobile telephone having an apparatus, the apparatus comprising means for estimating residual noise in a frequency range of a desired part of a signal, wherein the amplitude of the signal comprising the noise is modified, and the signal is combined with the modified signal to create a noise estimation measure, means for estimating residual noise in the frequency range of the desired part of the signal, and means for storing, evaluating and transmitting at least one of resulting noise estimation measurements and post processed versions thereof to a link quality control system of a cellular radio system. (Col.6; 48-65) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include communicated to a link quality control system of said digital cellular radio system as an estimator of current link quality in order to

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provide parameter in identifying an acceptable communication resource is signal usability.

22. Regarding Claim 22, Birchler disclosed all the particulars of the claim except communicated to a link quality control system of said digital cellular radio system as an estimator of current link quality. However, Borrás teaches in an analogous art, that A mobile telephone according to claim 21 adapted to perform a noise estimation measurement during each of a plurality of basic time units of a channel of the digital cellular radio system. (Col.6; 48-65) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include communicated to a link quality control system of said digital cellular radio system as an estimator of current link quality in order to provide parameter in identifying an acceptable communication resource is signal usability.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is 703-308-4736. The examiner can normally be reached on Mon-Thu. (6:30-4:00) alternate Fri.(6:30-3:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone numbers

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for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

Sharad k. Rampuria
April 1, 2003



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